

a. Defendants' motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(b) is **DENIED**.

b. Defendants' motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e) is **GRANTED IN PART AND DENIED IN PART**:

i. Defendants' motion to alter or amend the jury award under Rule 59(e) for past medical expenses in the amount of one-hundred and twenty-five thousand dollars (\$125,000.00) is **DENIED** but subject to the Court's grant of remittitur in section 1(g).

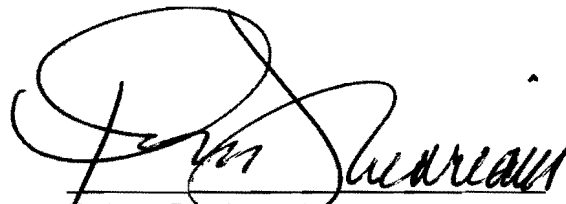
ii. Defendants' motion to alter or amend the jury award for future medical expenses in the amount of thirty-five thousand dollars (\$35,000.00) is **GRANTED** and the amount awarded by the jury is **STRICKEN**.

iii. Defendants' motion to alter or amend the jury award for past lost earnings in the amount of fifty-thousand dollars (\$50,000.00) and for future lost earning capacity in the amount of forty thousand dollars (\$40,000.00) is **DENIED**.

c. Defendants' motion for a new trial on the basis that the verdict sheet did not include Defendant Paul Benesz is **DENIED**.

d. Defendants' motion for a new trial on the basis that the Court erred in declining to charge the jury in accordance with the moving defendants' proposed point for charge no. 1 and/or no. 4 is **DENIED**.

- e. Defendants' motion for a new trial on damages with respect to the jury's award of future medical expenses, past lost earnings, and future lost earning capacity is **DENIED**.
  - f. Defendants' motion for a remittitur of the jury's award of future medical expenses, past lost earnings, and future lost earning capacity is **DENIED**.
  - g. Defendants' motion for a remittitur of the jury's award of past medical expenses is **GRANTED** and the award for past medical expenses is reduced to zero (\$0). Plaintiff shall file an acceptance or rejection of the remittitur **within 14 days of the date of this Order**.
  - h. Defendants' motion for a new trial on damages with respect to past medical expenses is **CONDITIONALLY DENIED** subject to Plaintiff's filing of an acceptance of the remittitur of damages.
2. Should Plaintiff accept the remittitur, judgment shall be entered in favor of plaintiff Takeiya Wright and against defendants John Cacciutti and Terry Cacciutti in the amount of one hundred and sixty five hundred dollars (\$165,000.00). Should Plaintiff reject the remittitur, a new trial only as to Plaintiff's past medical expenses shall be held.



Robert D. Mariani  
United States District Judge